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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

SHERR-UNA BOOKER, an individual,

Plaintiff,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

**PLAINTIFF'S NOTICE OF FILING
PUBLIC EXHIBITS TO PLAINTIFFS'
OMNIBUS SEPARATE STATEMENT OF
FACTS IN SUPPORT OF THEIR
RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Plaintiff hereby files, attached to this Notice, the public/non-confidential exhibits in support of Plaintiffs' Omnibus Separate Statement of Facts in Support of Their Response to Defendants' Motion For Summary Judgment In The Bellwether Cases.

DATED this 23rd day of October, 2017.

GALLAGHER & KENNEDY, P.A.

By: /s/ Mark S. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Gay Mennuti

INDEX OF EXHIBITS

| Para No. Ex. No. | Description |
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| 1 | US FDA Clinical Data Summary of the Simon Nitinol Filter, attached as Exhibit 1, BPVE-01-00280772 |
| 2 | Deposition of John McDermott, dated Feb. 5, 2014 at 83:9-92:18; 142:18-144:1; 152:16-154:4; 166:9-168:18; 190:11-195:13; 196:12-197:16; 228:17-229:8; 288:13-289:7; 290:15-290:25; 306:14 – 308:11; 349:17-21 |
| 3 | Product Performance Specification Recovery Filter and Femoral Delivery System, dated Nov. 2003, BPVE-01-00010390 |
| 4 | Email from D. Ciavarella to Barry & Ganser re G2 Caudal Migrations, dated Dec. 27, 2005, BPVE-01-00028224 |
| 5 | Deposition of Donna B. Tillman, dated June 12, 2014 at 101:20-23, 115:23-116:3, 119:23-120:7; 193:6-194:20 |
| 6 | Deposition of Murray R. Asch, dated May 2, 2016 at 12:14-24; 23:7-24:19; 26:8-15; 195:14-24; 40:19-41:11 |
| 7 | Murray R. Asch, MD, FRCPC, <i>Initial Experience in Humans with a New Retrievable IVC Filter</i> , Radiology 2002; 225:835-844 (“Asch Study Article”) |
| 8 | Deposition of Robert Carr, dated Dec. 19, 2014 at 120:20–122:1 |
| 9 | Deposition of Andrzej Chanduszko, dated Oct. 10, 2013 at 51:23–52:7 |
| 10 | Recovery Filter System for use in the Vena Cava, Information for Use, BPVE-01-00435559 |
| 11 | Special Design Review for Recovery (Project #s 7081 and 8008) – Meeting Minutes, dated Dec. 9, 2003, BPVE-01-00407525 |
| 12 | Email exchange between Janet Hudnall to David Rausch dated Feb. 26-27, 2004, BPVE-01-00373887 |
| 13 | Email from Alex Tessmer to Robert Carr dated Feb. 25, 2004, BPVE-01-00410985 |
| 14 | Characterization of Recovery Filter Migration Resistance in Comparison to Competitive Product Phase 1, BPVE-01-00276094 |
| 15 | Email from Alex Tessmer to Charlie Benware and others Mar. 24, 2004, BPVE-01-00330122 |
| 16 | Engineering Test Report No. ETR-04-03-02, BPV-17-01-00001198–208 |
| 17 | Health Hazard Evaluation, dated Dec. 17, 2004, BPVE-01-01019821 |

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| 1 | 37 | Deposition of Chad Modra, dated Mar. 28, 2013 at 181:1-19; 183:9-12 |
| 2 | 38 | Crisis Communication Plan, BPV-17-01-00165419 |
| 3 | 39 | Email from John Lehman, dated April 15, 2004, BPV-17-01-00165419 |
| 4 | 40 | Email from Jason Greer to Janet Hudnall, dated Mar. 16, 2006, BPVE-01-00946624 |
| 5 | 41 | Remedial Action Plan dated April 21, 2004, BPV-17-01-00153578 |
| 6 | 42 | April 13, 2004, May 8, 2004; May 30, 2004; July 24, 2004; August 16, 2004; November 15, 2004; November 28, 2004) Recovery Filter Detached Limbs—Patient Comparison Matrix dated November 1, 2005, BPV-17-01-00035618 |
| 7 | 43 | HHE, July 9, 2004, BPV--17-01-00002145 |
| 8 | 46 | Updated Health Hazard Evaluation, June 30, 2004, BPVEFILTER-01000014836 |
| 9 | 47 | Bard Recovery FAQ dated July 15, 2004, BPVE-01-00268921-923 |
| 10 | 49 | Internal Q&A dated Aug. 30, 2004, BPVE-01-00033810 |
| 11 | 50 | 2004 Recovery Marketing Brochure, BPV-17-01-00007760-763 |
| 12 | 51 | Deposition of Jack Sullivan (Vol. I), dated Sept. 16, 2016 at 54:10-55:6, 56:2-57:2, 59:15-61:4; 80:16-81:12 |
| 13 | 54 | Email from Chris Ganser to T. Ring dated April 19, 2005, BPVE-01-00434275 |
| 14 | 55 | Email from Jason Greer to Nicole Alpie and others dated July 16, 2005, BPV-DEP-00005665-666 |
| 15 | 56 | Executive Summary dated August 3, 2005, BPV-17-01-00170083-084 |
| 16 | 57 | Janet Hudnall, Avijit Mukherjee, and Robert Carr email chain, August 25-26, 2004, BPVE-01-00008821 |
| 17 | 59 | Email from Janet Hudnall to John McDermott, Feb. 11, 2005, BPVE-01-00167251 |
| 18 | 66 | Marketing Brochure for Recovery G2 Filter System, BPV-17-01-00137588 |
| 19 | 68 | Deposition of Christine Brauer, dated May 23, 2014 216:1-217:20; 224:6-225:15 |
| 20 | 73 | Email chain between Chris Ganser, Gin Schultz, Cindi Walcott, and others, November 7-14, 2005, BPVE-01-01510714 |

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| 1 | 74 | Bard internal spreadsheet of Filter Sales and MAUDE data through November 7, 2005/Q3 2005, BPVE-01-01510717 |
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| 3 | 76 | Email chain between David Ciaverella, Cindi Walcott, and others, December 20-27, 2015, BPVE-01-00028224 |
| 4 | 82 | Memo from Brian Barry to John Weiland re Competitive Filter Data, May 2, 2005, BPV-01-00098737 |
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| 6 | 83 | Bard IVC filter model sales and complications comparison spreadsheet, BPVEFILTER-01-00050487 |
| 7 | 85 | Binkert, et al., Technical Success and Safety of Retrieval of the G2 Filter in a Prospective, Multicenter Study, J. Vasc. Interv. Radiol. 2009 |
| 8 | | |
| 9 | 88 | Bard Peripheral Vascular Filter Franchise Review, May 6, 2008, BPVE-01-00622862-900 |
| 10 | 91 | Deposition of Patrick McDonald, dated July 29, 2016 at 103:23-104:1 |
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| 12 | 92 | Email chain between Brian Hudson, Kevin Bovee, and Chad Modra, June 28, 2011, BPVEFILTER-01-00037661-62 |
| 13 | 93 | F.C. Lynch & S. Kekulawela, <i>Removal of the G2 Filter: Differences between Implantation Times Greater than and Less than 180 Days</i> , 20 J. Vasc. Interv. Radiol. 1200 (2009) |
| 14 | | |
| 15 | 94 | W. Nicholson et al., <i>Prevalence of Fracture and Fragment Embolization of Bard Retrievable Vena Cava Filters and Clinical Implications Including Cardiac Perforation and Tamponade</i> , 170 Arch. Intern. Med. 1827 (2010) |
| 16 | | |
| 17 | 97 | Deposition of Christopher Smith, dated Aug. 3, 2017 at 126:6-18, 130:6-20; 141:18-24, 144:16-20; 155:6-156:4; 156:5-156:25, 158:1-159:5; 184:9-21 |
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| 19 | 103 | Deposition of Abithal Raji-Kubba, dated July 18, 2016 at 167:11-168:8 |
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| 23 | 111 | G3 Vena Cava Filter Design Input Summary Report, BPVE-01-0061776 |
| 24 | 113 | Deposition of David Ciavarella, dated Nov. 12, 2013 at 220:16-221:15 |
| 25 | 116 | Deposition of Tim Fischer, March 29, 2017 at 7:16-24; 281:13-283:1; 282:4-283:3 |
| 26 | 117 | Deposition of Mark Moritz, M.D., dated July 18, 2017 at 85:12-86:3 |
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| J-D | Bard Peripheral Vascular's Supplemental Responses to Plaintiffs Doris and Alfred Jones's First Set of Requests for Admissions to Bard Peripheral Vascular, Inc. |
| J-E | Eclipse Vena Cava Filter, Femoral Vein Approach, Instructions for Use |
| J-G | G2X Vena Cava Filter, Femoral Vein Approach, Instructions for Use |
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